

**THE COMMONWEALTH OF MASSACHUSETTS  
WARRANT FOR THE ANNUAL TOWN MEETING 2008**

Middlesex, ss.

To any of the Constables of the Town of Concord, in said County, Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby required to notify the legal voters of said Town of Concord, qualified to vote at Town Meeting for the transaction of Town affairs, to meet at 7:00 AM, on Tuesday, the first day of April next, as follows

Those residing in Precinct No. 1 – at 141 Keyes Road, Dept. of Planning & Land Management;

Those residing in Precinct No. 2 - at the Harvey Wheeler Community Center in said Concord;

Those residing in Precinct No. 3 - at the Harvey Wheeler Community Center in said Concord;

Those residing in Precinct No. 4 - at the Ripley School in said Concord;

Those residing in Precinct No. 5 - at the Hunt Gymnasium in said Concord;

by posting a printed copy of this Warrant, by you attested, at the Town House and in at least one public location in each precinct in Concord, at least seven days before the said first day of April, then and there to act on the following articles:

ARTICLE 1. To bring in their votes on one ballot for the following Town Officers:

One Moderator	for one year
One for Board of Selectmen	for three years
One for School Committee	for three years
One for Housing Authority	for five years

The polls will be open at 7:00 AM, and will be closed at 8:00 PM.

You are further required in the name of the Commonwealth of Massachusetts to notify the legal voters of said Town of Concord, as aforesaid, to meet at the Concord-Carlisle Regional High School, 500 Walden Street, in said town, on Monday, the twenty-eighth day of April next, at seven o'clock in the evening, then and there to act upon the following articles:

**CHOOSE TOWN OFFICERS**

**ARTICLE 1.** To choose all necessary Town Officers and Committees.

**HEAR REPORTS**

**ARTICLE 2.** To hear and act upon the reports of Town Officers and Committees.

**MEETING PROCEDURE**

**ARTICLE 3.** To determine whether the Town will adopt a rule of the meeting governing requirements on Motions and amendments to Motions made at this meeting under Articles concerned with expenditures, in order to assure compliance with the requirements of Chapter 59, Section 21C of the

Massachusetts General Laws and Acts, and amendments thereof and additions thereto (generally referred to as "Proposition 2 ½"), or take any other action relative thereto.

*The motion to be made by the Finance Committee will specify that every motion to appropriate funds will be required to identify the source of funding. This meeting procedure has been adopted by Town Meeting for a number of years.*

**Finance Committee recommends affirmative action**

**Board of Selectmen recommends affirmative action**

### SECRET BALLOT VOTING PROCEDURE

**ARTICLE 4.** To determine whether the Town will vote to establish a rule for the 2008 Town Meeting which will permit less than a majority of those present to require that a matter shall be voted on by secret ballot, or take any other action relative thereto.

**Board of Selectmen recommends affirmative action, 100 voters**

### CLASSIFICATION & COMPENSATION PLANS FOR REGULAR-STATUS POSITIONS

**ARTICLE 5.** To determine whether the Town will vote to amend the Classification and Compensation Plan for all regular-status Town positions by adopting the following schedules to become effective July 1, 2008, or take any other action relative thereto:

#### CLASSIFICATION AND COMPENSATION PLAN

Effective July 1, 2008

#### ADMINISTRATIVE-CLERICAL-LIBRARY

Grade Number & Class Title		Minimum	Mid-Point	Maximum
<b>ACL-1</b>	Hourly	14.63	17.19	19.75
Recreation Clerk				
<b>ACL-2</b>	Hourly	16.33	19.19	22.05
Account Clerk				
Department Clerk				
Library Assistant				
Senior Recreation Clerk				
Utility Account Clerk				
<b>ACL-3</b>	Hourly	18.52	21.76	25.00
Branch Library Assistant				
Circulation Assistant				
Senior Account Clerk				
Senior Department Clerk				
Senior Library Assistant				
<b>ACL-4</b>	Hourly	20.00	23.50	27.00
Administrative Assistant				
Collections Assistant				
Retirement Assistant				
Treasury Assistant				

Grade Number & Class Title		Minimum	Mid-Point	Maximum
<b>ACL-5</b>	Hourly	21.38	25.12	28.86
Assistant Town Clerk				
Human Resources Assistant				
Senior Administrative Assistant				
Senior Circulation/Administrative Assistant				
Technical Services Assistant				
<b>ACL-6</b>	Hourly	22.12	25.99	29.86
Finance Assistant				
<b>ACL-7</b>	Hourly	23.60	27.73	31.86
Executive Assistant to the Town Manager				

### TRADES-CRAFTS-LABOR

Grade Number & Class Title		Minimum	Mid-Point	Maximum
<b>TCL-1</b>	Hourly	14.43	16.96	19.48
Building Custodian				
<b>TCL-2</b>	Hourly	16.30	19.15	22.00
Building Maintenance Custodian				
Laborer/Truck Driver				
<b>TCL-3</b>	Hourly	17.93	21.07	24.20
Building Systems Custodian				
Cemetery Specialist				
Equipment Operator				
Park & Tree Specialist				
Water/Sewer System Maintainer				
<b>TCL-4</b>	Hourly	20.07	23.59	27.10
Equipment/Line Operator				
Master Mechanic				
Park & Tree Specialist (Aerial)				
Senior Park & Tree Specialist				
<b>TCL-5</b>	Hourly	22.22	26.11	30.00
Cemetery Supervisor				
Crew Leader				
Senior Master Mechanic				
Treatment Systems Operator				
<b>TCL-6</b>	Hourly	24.96	29.33	33.70
Fleet Supervisor				
<b>TCL-7</b>	Hourly	27.70	32.55	37.40
Public Works Supervisor				

**MANAGERIAL-PROFESSIONAL**

*Annual rates are based on 40 hour base week and will be prorated for part-time schedules.*

Grade Number & Class Title		Minimum	Mid-Point	Maximum
<b>MP-1</b>	<b>Annual</b>	<b>39,724</b>	<b>48,662</b>	<b>57,600</b>
Aquatics Supervisor				
Engineering Aide				
Engineering Technician				
Field Lister				
Recreation Supervisor				
Special Collections Assistant				
<b>MP-2</b>	<b>Annual</b>	<b>44,828</b>	<b>54,914</b>	<b>65,000</b>
Assistant Aquatics Coordinator				
Assistant Local Inspector				
Assistant Natural Resources Administrator				
Budget Analyst				
COA Program Supervisor				
Environmental Health Inspector				
Information Systems Assistant				
Office Accountant				
Public Health Inspector				
Senior Engineering Technician				
Staff Librarian				
Utility Software Coordinator				
Water Conservation Coordinator				
<b>MP-3</b>	<b>Annual</b>	<b>52,897</b>	<b>64,799</b>	<b>76,700</b>
Assistant Human Resources Director				
Assistant Public Works Engineer				
Assistant to the Water/Sewer Superintendent				
Assistant Town Accountant/Retirement System Administrator				
Aquatics Coordinator				
Branch Librarian				
Circulation Supervisor				
Civil Engineer				
Energy Services/Communications Administrator				
Environmental & Regulatory Compliance Coordinator				
Fitness Coordinator				
GIS Program Coordinator				
Local Inspector				
Management Analyst				
Senior Planner				
Supervisor of Children's Services				

Continued

Grade Number & Class Title		Minimum	Mid-Point	Maximum
<b>MP-4</b>	<b>Annual</b>	<b>56,552</b>	<b>69,276</b>	<b>82,000</b>
Assistant Recreation Director				
Budget & Purchasing Administrator				
Business Administrator				
Council on Aging Administrator				
Curator				
Environmental Services Program Administrator				
Natural Resources Administrator				
Operations Engineer				
Public Services Coordinator				
Public Works Engineer				
Technical Services Coordinator				
Technology Administrator				
Telecommunications Coordinator				
<b>MP-5</b>	<b>Annual</b>	<b>60,828</b>	<b>74,514</b>	<b>88,200</b>
Assistant Library Director				
Deputy Fire Chief				
Deputy Treasurer/Collector				
Highway & Grounds Superintendent				
Police Lieutenant				
Public Health Administrator				
Town Clerk				
<b>MP-6</b>	<b>Annual</b>	<b>67,034</b>	<b>82,117</b>	<b>97,200</b>
Building Commissioner				
Deputy Police Chief				
Human Resources Director				
Town Accountant				
Town Appraiser				
Town Engineer				
Water/Sewer Superintendent				
<b>MP-7</b>	<b>Annual</b>	<b>76,759</b>	<b>94,030</b>	<b>111,300</b>
Director of Planning & Land Management				
Library Director				
Recreation Director				
<b>MP-8</b>	<b>Annual</b>	<b>85,517</b>	<b>104,759</b>	<b>124,000</b>
Assistant Town Manager				
Fire Chief				
Police Chief				
Public Works Director				
<b>MP-9</b>	<b>Annual</b>	<b>93,724</b>	<b>114,812</b>	<b>135,900</b>
Finance Director				

## ELECTRICAL LABOR

Grade Number & Class Title		Minimum	Mid-Point	Maximum
<b>EL-1</b>	Hourly	16.15	18.98	21.80
Meter Reader				
<b>EL-2</b>	Hourly	19.70	23.15	26.60
Line Worker, Grade 3				
Meter Technician				
<b>EL-3</b>	Hourly	24.20	26.62	29.04
Line Worker, Grade 2				
Utility Electrician				
<b>EL-4</b>	Hourly	29.28	32.21	35.14
Lineworker, Grade 1				
<b>EL-5</b>	Hourly	30.83	33.92	37.00
Lead Lineworker				
<b>EL-6</b>	Hourly	33.33	36.67	40.00
Line Supervisor				

## ELECTRICAL MANAGEMENT

Annual rates are based on 40 hour base week and will be prorated for part-time schedules.

Grade Number & Class Title		Minimum	Mid-Point	Maximum
<b>EM-1</b>	Annual	54,148	63,624	73,100
Meter Supervisor				
<b>EM-2</b>	Annual	62,148	73,024	83,900
Electrical Engineer				
<b>EM-3</b>	Annual	73,926	86,863	99,800
Assistant CMLP Director				
Engineering & Operations Manager				
<b>EM-4</b>	Annual	99,926	117,413	134,900
CMLP Director				

## SWIM &amp; FITNESS

Grade Number & Class Title		Minimum	Mid-Point	Maximum
<b>SF-1</b>	Hourly	11.00	26.50	42.00
Swim/Fitness Specialist				

*Effectively, with annual adjustments and periodic comprehensive reviews, the Classification & Compensation Plans keep our salaries competitive in the employment market, maintain internal equity of salary ranges, maintain comparability with salaries of unionized employees, and keep pace with changes in the cost of living. This Article does not set the amount of the actual salary increases to be received by employees in FY09. The Town Manager and Personnel Board set actual salary increase amounts after Town Meeting, based upon the approved budget and subject to the specified range for each position.*

**Finance Committee** recommends affirmative action  
**Board of Selectmen** recommends affirmative action

## PERSONNEL BYLAW AMENDMENT – HOLIDAYS

**ARTICLE 6.** To determine whether the Town will vote to amend the Personnel Bylaw regarding holidays worked as follows:

Add text (illustrated in **bold**) so that Section 12 reads as follows:

### Section 12. HOLIDAYS

#### 12.1 Holiday Leave

**Except as noted below**, one day of paid leave shall be granted to all regular status employees for each of the following days:

<u>Holidays</u>	<u>Observed On:</u>
New Year's Day	January 1
Martin Luther King Day	Third Monday in January
Presidents' Day	Third Monday in February
Patriot's Day	Monday Designated by the Commonwealth
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Columbus Day	Second Monday in October
Veterans' Day	November 11
Thanksgiving Day	Fourth Thursday in November
Day After Thanksgiving	Day After Thanksgiving
Christmas Day	December 25

**The Personnel Board and Town Manager may adopt policies that reduce the amount of holidays granted and/or provide alternate holidays and dates of observance for employees who work in the Beede Center or other operations that remain open when Town offices are generally closed,**

Regular, part-time employees shall receive prorated holiday leave based on the ratio of their average weekly hours to the full-time workweek for their positions.

To qualify for holiday pay, an employee must be on paid status on his/her last regularly scheduled work day immediately preceding the holiday and on his/her first regularly scheduled work day immediately following the holiday.

Town Personnel Policies and Procedures may provide further definition of the leave and/or pay granted for holidays defined above.

#### 12.2 Holidays Worked

**Except as noted below**, when an employee who is paid on an hourly basis is required to work on New Year's Day, Christmas Day or Thanksgiving Day, s/he shall receive two (2) times his/her hourly rate of pay in addition to any holiday pay for which s/he may be eligible. When such an employee is required to work on any other observed holiday, s/he shall receive one and one-half (1½) times his/her hourly rate of pay in addition to any holiday pay for which s/he may be eligible.

**The Personnel Board and Town Manager may adopt a different pay policy for holidays worked by employees in the Beede Center or other operations that maintain a different schedule than Town offices.**

The Fire Chief shall be paid for holidays worked in accordance with M.G.L. Chapter 48, Section 57E, as amended from time to time.

The Police Chief shall be paid for holidays worked in accordance with M.G.L. Chapter 147, Section 17F, as amended from time to time.

or take any other action relative thereto.

*The current Bylaw language presents budgetary and operational problems that are unique to the Beede Center because it does not operate on the same schedule as other Town operations. The amendment will allow the Town to compensate employees fairly while maintaining operating hours based on customer demands.*

**Board of Selectmen recommends affirmative action**

### TOWN BUDGET

**ARTICLE 7.** To determine whether the Town will vote to raise and appropriate money for the following necessary and expedient purposes of the Town for the fiscal year ending June 30, 2009, or take any other action relative thereto:

SCHEDULE A OPERATING BUDGET				
Item No.	Department	Fiscal 2007 Expenditures	Fiscal 2008 Appropriation	Fiscal 2009 Proposal (rev.)
<b>GENERAL GOVERNMENT</b> \$1,876,447 is 6.1% of Total				
1	A. Town Manager	267,140	274,754	290,227
	B. Town-Wide Building Maintenance	110,000	120,000	135,000
	<b>Total</b>	369,480	394,754	425,227
2	Legal Services	254,622	250,000	270,000
3	A. Elections	30,868	34,597	49,003
	B. Registrars	13,695	9,752	10,519
	<b>Total</b>	44,563	44,349	59,522
4	Town Meeting and Reports	63,840	79,850	77,800
5	Planning & Land Mgmt.			
	A. Planning	199,519	220,724	220,577
	B. Board of Appeals	42,891	42,070	42,714
	C. Natural Resources	164,480	178,369	180,338
	D. Inspections	280,905	325,543	330,318
	E. Health	195,825	210,072	206,845
	<b>Total Planning &amp; Land Mgmt.</b>	883,620	976,778	980,792
6	141 Keyes Road	61,346	63,051	63,056
	<b>TOTAL GENERAL GOVERNMENT</b>	\$1,677,471	\$1,808,782	\$1,876,447
<b>FINANCE AND ADMINISTRATION</b> \$1,755,573 is 5.7% of Total				
7	Finance Committee	1,178	1,275	1,275
8	Personnel Admin.	134,435	143,659	146,742
9	Finance Department			
	A. Administration	177,111	212,609	262,304
	B. Treasurer-Collector	213,748	214,633	226,193
	C. Town Accountant	108,337	117,227	117,471
	D. Assessors	339,572	356,900	363,099



Item No.	Department	Fiscal 2007 Expenditures	Fiscal 2008 Appropriation	Fiscal 2009 Proposal (rev.)
	E. Town Clerk	173,106	183,659	192,849
	<b>Total Finance Dept.</b>	1,011,874	1,085,028	1,161,916
10	Information Systems	307,465	332,281	351,743
11	Town House	95,216	96,705	93,897
	<b>TOTAL FINANCE AND ADMINISTRATION</b>	\$1,550,168	\$1,658,948	\$1,755,573
<b>PUBLIC SAFETY</b> \$7,012,823 is 22.8% of Total				
12	Police Department	3,331,759	3,383,385	3,548,055
13	Fire Department	3,045,328	3,092,789	3,123,339
14	W. Concord Fire Station	53,074	45,433	42,071
15	Police/Fire Station	186,776	250,362	265,922
16	Emergency Management	6,136	37,160	15,810
17	Dog Officer	17,102	17,626	17,626
	<b>TOTAL PUBLIC SAFETY</b>	\$6,640,176	\$6,826,755	\$7,012,823
<b>PUBLIC WORKS AND FACILITIES</b> \$3,234,292 is 10.5% of Total				
18	CPW Administration	135,329	147,933	137,487
19	Engineering	305,078	339,081	402,464
20	Highway Maintenance	1,012,217	1,039,493	1,049,711
21	Snow & Ice Removal	401,226	444,750	452,000
22	Parks & Trees	481,808	526,861	499,662
23	Cemetery	57,928	61,004	62,948
24	Street Lighting	62,353	69,640	62,660
25	CPW Equipment	258,000	265,000	278,000
26	Drainage Program	155,000	160,000	105,000
27	Sidewalk Management	90,000	90,000	90,000
28	133/135 Keyes Road	118,470	95,944	94,360
	<b>TOTAL PUBLIC WORKS AND FACILITIES</b>	\$3,077,409	\$3,239,706	\$3,234,292

Item No.	Department	Fiscal 2007 Expenditures	Fiscal 2008 Appropriation	Fiscal 2009 Proposal (rev.)
<b>HUMAN SERVICES</b> \$2,328,878 is 7.6% of Total				
29	Library	1,570,066	1,677,391	1,688,849
30	Recreation Admin.	87,320	87,320	89,886
31	Hunt Recreation Center	60,674	105,918	129,034
32	(No account #32)	-	-	-
33	Harvey Wheeler Community Center	118,280	119,946	124,592
34	Council on Aging	193,682	215,522	213,993
35	Veterans	27,810	29,440	30,245
36	Ceremonies and Celebrations	19,148	23,850	23,865
37	Visitors Center Restroom	28,802	28,074	28,414
	<b>TOTAL HUMAN SERVICES</b>	<b>\$2,105,783</b>	<b>\$2,287,461</b>	<b>\$2,328,878</b>
<b>UNCLASSIFIED</b> \$982,000 is 3.2% of Total				
38	Town Employee Benefits			
	Unused Sick Leave at retirement	51,015	60,000	60,000
	Public Safety	2,117	4,000	4,000
	Medical Disability			
	Employee Assistance Program	7,500	8,000	8,000
	<b>Total</b>	<b>60,632</b>	<b>72,000</b>	<b>72,000</b>
39	Reserve Fund*	0	225,000	225,000
*Transfers totaling \$20,950 were made to other accounts in fiscal year 2007.				
40	Salary Reserve**	0	199,322	600,000
** Transfers totaling \$428,662 and \$350,678 were made to other accounts in Fiscal Years 2007 and 2008 (to date) respectively.				
41	Land Fund	-	-	-
42	Road Improvements	80,000	80,000	85,000
	<b>TOTAL UNCLASSIFIED</b>	<b>\$140,632</b>	<b>\$576,322</b>	<b>\$982,000</b>
<b>SUBTOTAL FOR REFERENCE ONLY</b>				
<b>ACCOUNTS 1-42</b>				
<b>Finance Committee Guideline</b>		<b>\$15,191,936</b>	<b>\$16,397,974</b>	<b>\$17,190,013</b>

Item No.	Department	Fiscal 2007 Expenditures	Fiscal 2008 Appropriation	Fiscal 2009 Proposal (rev.)
<b>JOINT (TOWN – CPS)</b> <b>\$13,577,193 is 44.1% of Total</b>				
43	Insurance			
	A. Group Insurance	3,125,088	3,600,000	3,845,000
	B. Property/Liability	137,190	225,000	225,000
	<b>Total</b>	<b>3,262,278</b>	<b>3,825,000</b>	<b>4,070,000</b>
44	Unemployment Comp.	78,810	100,000	100,000
	Workers' Compensation	51,163	100,000	100,000
	<b>Total</b>	<b>129,973</b>	<b>200,000</b>	<b>200,000</b>
45	Retirement	2,310,000	2,380,000	2,450,000
46	Social Security/Medicare	449,601	522,000	510,000
47	Debt Service			
	<b>Within Levy Limit</b>			
	A. Long Term Debt:			
	Town Prin. & Int.	1,788,442	1,816,152	2,053,378
	School Prin. & Int.	784,473	830,271	815,146
	Subtotal	2,572,915	2,646,423	2,868,524
	Interest on Notes and Other Debt Expense	73,186	263,327	231,476
	Subtotal within Levy Limit	2,646,101	2,909,750	3,100,000
	<b>B. Excluded Debt</b>	2,248,476	2,550,432	3,247,193
	<b>Total Debt Service</b>	<b>4,894,577</b>	<b>5,460,182</b>	<b>6,347,193</b>
<b>TOTAL JOINT (TOWN-CPS)</b>		<b>\$11,046,430</b>	<b>\$12,387,182</b>	<b>\$13,577,193</b>
<b>TOTAL APPROPRIATION</b>		<b>\$26,238,366</b>	<b>\$28,785,156</b>	<b>\$30,767,206</b>

That the appropriation for equipment under these various line items is to be expended by the Town Manager. The Town Manager is authorized to turn in or sell at public auction the surplus equipment, the amount allowed or received therefor, to be applied against the purchase of new equipment;

That the sum of \$14,000, state aid to libraries, be transferred to the use of the Library Committee for the purchase of books, periodicals, and subscriptions;

That the Town appropriate and transfer the sum of \$500 from the dog inoculation fees reserve account for the cost of the Board of Health's rabies clinic;

That the appropriation for salary reserve under line item 40 shall be transferred by the Town Manager to the various salary line items in accordance with salary levels established at July 1, 2009 and thereafter pursuant to the salary schedules adopted under Article 8, the implementation of the merit pay plan in accordance with Section 10.2 (2) of the Personnel Bylaws, and collective bargaining agreements. Any such transfers shall be reported periodically by the Town Manager to the Board of Selectmen and the Finance Committee, and a final report shall be issued when all such transfers have been completed for the fiscal year;

That the Town Manager is authorized to enter into inter-municipal agreements for joint provision of public services with one or more cities, towns, or districts pursuant to Chapter 40, Section 4A of the

Massachusetts General Laws and Acts and amendments thereof or additions thereto; and report such agreements to the Board of Selectmen and Finance Committee:

That the Town authorize the sum of \$10,852.24 to be expended from the Title 5 Septic Loans Betterments reserve account to meet the loan payment to the Massachusetts Water Pollution Abatement Trust #T5-1070 due and payable during FY 2009, pursuant to Article 46 of 1997 and the loan totaling \$200,000 executed on December 22, 1999.

*The Town Budget Article provides for all General Fund (tax-supported) town operations and activities organized by Town Charter under the direction of the Town Manager. The appropriations to be presented for Town Meeting approval conform to the spending guideline set by the Finance Committee in November 2007.*

**Finance Committee** recommends affirmative action in the amount of \$30,767,206

**Board of Selectmen** recommends affirmative action in the amount of \$30,767,206

### PUBLIC SCHOOL BUDGET

**ARTICLE 8.** To determine whether the Town will vote to raise and appropriate money for the following necessary and expedient purposes of the public schools of the Town for the fiscal year ending June 30, 2009, or take any other action relative thereto:

SCHEDULE A - PUBLIC SCHOOL BUDGET				
Item No.	Department	Fiscal 2007 Adopted	Fiscal 2008 Adopted	Fiscal 2009 School Committee
1	Concord Public Schools Budget/Appropriation	\$25,460,285	\$26,423,840	\$27,206,200

*This article provides the annual operating budget for the Concord Public Schools (K-8). The appropriation to be presented for Town Meeting approval conforms to the spending guideline set by the Finance Committee in November 2007.*

**Finance Committee** recommends affirmative action in the amount of \$27,206,200

**Board of Selectmen** recommends affirmative action in the amount of \$27,206,200

### REGIONAL SCHOOL BUDGETS

**ARTICLE 9.** To determine whether the Town will vote to raise and appropriate money for the following necessary and expedient purposes of the Concord-Carlisle Regional School District and for the Minuteman Vocational Technical Regional School District for the fiscal year ending June 30, 2009, or take any other action relative thereto:

SCHEDULE A - CONCORD-CARLISLE REGIONAL HIGH SCHOOL AND MINUTEMAN REGIONAL HIGH SCHOOL OPERATING BUDGETS				
Item No.	Department	Fiscal 2007 Adopted	Fiscal 2008 Adopted	Fiscal 2009 School Committee
1	Concord-Carlisle Regional High School Budget	\$ 19,189,282	\$ 20,365,127	\$ 21,381,332
	Assessment	\$ 11,858,857	\$ 12,667,974	\$*13,488,028
*(includes \$12,803,885 assessment for operating budget and \$684,143 assessment for debt exclusion)				

Item No.	Department	Fiscal 2007 Adopted	Fiscal 2008 Adopted	Superintendent's Proposed Budget & Fiscal 2009 Assessment
2	Minuteman Regional High School Budget Assessment	\$ 16,139,498 502,317	\$ 16,745,769 604,702	\$ 17,001,622 574,557

*This article provides Concord's share of the annual operating budgets for the Concord-Carlisle Regional High School and the Minuteman Regional High School. The Minuteman assessment number has been revised to \$486,660.*

**Finance Committee** recommends affirmative action, Item 1: \$13,488,028, Item 2: \$486,660

**Board of Selectmen** recommends affirmative action, Item 1: \$13,488,028, Item 2: \$486,660

#### STABILIZATION FUND CREATION AND FUNDING

**ARTICLE 10.** To determine whether the Town will vote to establish a Stabilization Fund, pursuant to Massachusetts General Laws, Chapter 40, section 5B, for the purpose of reserving funds to be used commencing in FY2011 to lower the tax levy impact of debt service payments for the Alcott, Thoreau and Willard elementary school bonds, said Stabilization Fund to be invested and to retain its own interest earnings as provided by law; and further, that the sum of \$2,500,000, or any other sum, be appropriated from the certified Free Cash balance of June 30, 2007 and transferred into said Stabilization Fund effective July 1, 2008, or take any other action relative thereto.

*The Finance Committee is recommending that \$2,500,000 of the existing Uncommitted Fund Balance ("Free Cash") be set aside in a Stabilization Fund to be separately invested for a period of years and then to be drawn upon from FY2011 through FY2014 to mitigate the property tax increase that will otherwise occur due to debt service on the Willard School bond expected to be sold in spring 2010.*

**Finance Committee** recommends affirmative action in the sum of \$2,500,000

**Board of Selectmen** recommends affirmative action in the sum of \$2,500,000

#### FREE CASH USE

**ARTICLE 11.** To determine whether the Town will vote to authorize and direct the Assessors to take \$600,000, or any other sum, from free cash to reduce the tax levy for the fiscal year ending June 30, 2009, or take any other action relative thereto.

*This article seeks Town Meeting approval to allocate a portion of the available General Fund balance to support the next budget.*

**Finance Committee** recommends affirmative action in the sum of \$600,000

**Board of Selectmen** recommends affirmative action in the sum of \$600,000

#### UNPAID BILLS

**ARTICLE 12.** To determine whether the Town will vote to raise and appropriate or transfer from available funds in the treasury, monies to pay the unpaid bills of prior years, or take any other action relative thereto.

*No motion is expected under this Article. If there were an unpaid bill of a prior year, state law requires that it be presented to the Town Meeting and that 90% approval be obtained to authorize payment.*

### PROPERTY TAX EXEMPTION

**ARTICLE 13.** To determine whether the Town will vote to accept the provisions of Section 4 of Chapter 73 of the Acts of 1986 as amended by Chapter 126 of the Acts of 1988, and further to act under the aforesaid statutes to increase by 100% the amount of property tax exemption granted to persons who qualify for said exemption under clauses 17, 17C, 17D, 22, 22A, 22B, 22C, 22D, 22E, 37, 37A, 41, 41B, and 41C of Section 5 of Chapter 59 of the Massachusetts General Laws and Acts, and amendments thereof and additions thereto, or take any other action relative thereto.

*State law establishes property tax exemptions for disabled veterans, blind persons, and elderly citizens who meet certain income and asset limitation requirements. A portion of the foregone taxes resulting from these exemptions is reimbursed by the state. Another provision of state law allows municipalities the option of increasing the state-set exemption amounts by up to 100%, without further state sharing of the cost. This option must be voted annually; the Concord Town Meeting has done so since 2001. For example, the senior exemption is set by the state at \$500 and has been increased to \$1,000 by votes of the past four town meetings.*

**Finance Committee recommends affirmative action**

**Board of Selectmen recommends affirmative action**

### LIGHT PLANT PAYMENT IN LIEU OF TAXES

**ARTICLE 14.** To determine whether the Town will vote to authorize a transfer of \$340,000, or any other sum, from the Operating Fund of the Light Plant to be used by the Board of Assessors to reduce the tax levy for the fiscal year ending June 30, 2009, or take any other action relative thereto.

*This article authorizes the transfer of \$340,000 from the Operating Fund of the Light Plant to the Town as a Payment in Lieu Of Taxes, or PILOT. The amount is determined as the product of the net plant investment of the Light Plant on June 30 and the tax rate at the end of the year. This makes the PILOT equivalent to the amount an investor owned utility with the same physical plant would pay in property taxes. This is a routine annual action.*

**Finance Committee recommends affirmative action in the sum of \$340,000**

**Board of Selectmen recommends affirmative action in the sum of \$340,000**

### LIGHT PLANT EXPENDITURES

**ARTICLE 15.** To determine whether the Town will vote that the income from sales of electricity, and from servicing and jobbing during the ensuing fiscal year together with the balance of operating cash in the Light Plant Fund, be expended without further appropriation under the direction and control of the Town Manager for the expenses of the Light Plant for said fiscal year, as defined in Section 57 of Chapter 164 of the Massachusetts General Laws and Acts, and amendments thereof and additions thereto; and/or for other plant extensions, enlargements, additions, renewals and reconstruction, or take any other action relative thereto.

*This article authorizes the Town Manager to expend the income received by the Light Plant from the sale of electricity along with other departmental income to be used for the purposes of operating the department for the Fiscal Year. This is a routine annual action.*

**Finance Committee recommends affirmative action**

**Board of Selectmen recommends affirmative action**

### ROAD REPAIR REVOLVING FUND EXPENDITURES

**ARTICLE 16.** To determine whether the Town will vote that the income from fees paid by applicants to the Town for permits to dig up, alter, or disturb a public way in accordance with the Motion passed under Article 47 of the 1992 Annual Town Meeting, in an amount not to exceed \$120,000, or any other sum, be expended without further appropriation for the purpose of repairing, restoring, maintaining and inspecting public ways, to be managed and expended by the Town Manager in accordance with Chapter 44, Section 53 E ½ of the Massachusetts General Laws and Acts, and amendments thereof and additions thereto, or take any other action relative thereto.

*Consistent with Article 47 of the 1992 Annual Town Meeting, this Article authorizes up to \$120,000 of fees collected through the Town's Right-of-Way Street Permit Program to be used in FY09 for repairing, restoring, maintaining and inspecting the Town's public ways. This is a routine annual action, with the amount of the authorization dependent upon the available unreserved balance of the Fund at the time of the vote.*

**Finance Committee** recommends affirmative action in the sum of \$120,000

**Board of Selectmen** recommends affirmative action in the sum of \$120,000

### SOLID WASTE DISPOSAL FUND EXPENDITURES

**ARTICLE 17.** To determine whether the Town will vote that the income from user fees for solid waste disposal services, associated services, and jobbing services by Concord Public Works during the ensuing fiscal year, together with the balance of operating cash in the Solid Waste Disposal Fund, be expended without further appropriation under the direction and control of the Town Manager in accordance with the Motion passed under Article 27 of the 1989 Annual Town Meeting, or take any other action relative thereto.

*Consistent with Article 27 of the 1989 Annual Town Meeting, this Article authorizes the Town Manager to use cash on hand in the Solid Waste Disposal Fund and user fee revenue in fiscal year 2009 to be used to operate the Town's "pay-as-you-throw" curbside solid waste and recycling collection and disposal program. The Program consists of two major components: Curbside collection and disposal including recycling and Drop-Off Days; and the operation and maintenance of the Town's Composting Site including the former landfill. This is a routine annual action.*

**Finance Committee** recommends affirmative action

**Board of Selectmen** recommends affirmative action

### SEWER SYSTEM EXPENDITURES

**ARTICLE 18.** To determine whether the Town will vote that the income from user fees, special service fees and jobbing services by the Water and Sewer Division of Concord Public Works during the ensuing fiscal year, together with the balance of operating cash in the Sewer Fund be expended without further appropriation under the direction and control of the Town Manager in accordance with the Motion passed under Article 37 of the 1976 Annual Town Meeting, or take any other action relative thereto.

*Consistent with Article 37 of the 1976 Annual Town Meeting, this Article authorizes the Town Manager to use cash on hand in the Sewer Fund and fiscal year 2009 revenue for the operation and maintenance and improvement of the Town's sewer system. Similar to the Town's Water and Electric Funds, the Sewer Fund is an enterprise fund. The entire cost of operations, maintenance, and capital replacement and renewal is funded by user fees. At the present time approximately one-third of Concord's residences and many businesses/institutions are connected to the Town's municipal sewer system. This is a routine annual action.*

**Finance Committee** recommends affirmative action

**Board of Selectmen** recommends affirmative action

## SEWER IMPROVEMENT FUND EXPENDITURES

**ARTICLE 19.** To determine whether the Town will vote that the income from sewer improvement fees during the ensuing fiscal year, together with the balance of operating cash in the Sewer Improvement Fund, be expended without further appropriation under the direction and control of the Town Manager in accordance with the Motion passed under Article 25 of the 1989 Annual Town Meeting and applicable state enabling statutes, or take any other action relative thereto.

*Consistent with Article 25 of the 1989 Annual Town Meeting, this Article authorizes the Town Manager to use cash on hand in the Sewer Improvement Fund (a sub-fund within the Sewer Enterprise) and fiscal year 2009 fees for constructing and expanding the Town's sewer lines and treatment facility capacities. Sewer improvement fees are charged to certain properties connecting to the sewer system or for expansion. This is a routine annual action.*

**Finance Committee** recommends affirmative action

**Board of Selectmen** recommends affirmative action

## WATER SYSTEM EXPENDITURES

**ARTICLE 20.** To determine whether the Town will vote that the income from user fees, special service fees, and jobbing services by the Water and Sewer Division of Concord Public Works during the ensuing fiscal year, together with the balance of operating cash in the Water Fund, be expended without further appropriation under the direction and control of the Town Manager in accordance with the Motion passed under Article 38 of the 1974 Annual Town Meeting, or take any other action relative thereto.

*Consistent with Article 38 of the 1974 Annual Town Meeting, this Article authorizes the Town Manager to use cash on hand in the Water Fund and fiscal year 2009 revenue for the operation and maintenance and improvement of the Town's water system. Similar to the Town's Sewer and Electric Funds, the Water Fund is an enterprise fund. The entire cost of operations, maintenance, and capital replacement and renewal is funded by user fees. Almost all of Concord's residences and businesses/institutions are connected to the Town's municipal water system. This is a routine annual action.*

**Finance Committee** recommends affirmative action

**Board of Selectmen** recommends affirmative action

## BEEDE SWIM & FITNESS CENTER ENTERPRISE FUND; FY 2009 BUDGET

**ARTICLE 21.** To determine whether the Town will vote to appropriate the amount required for the total expenses of the Community Pool Enterprise Fund for the fiscal year beginning July 1, 2008 (FY2009) for the operation of the Community Pool, in accordance with Chapter 44, section 53F ½ of the Massachusetts General Laws and Acts, and amendments thereof and additions thereto, said funds to be expended under the direction of the Town Manager, or take any other action relative thereto.

*This Article enacts the operating budget for the Community Swim and Fitness Center. The facility is self-supporting from its own revenues. State law applicable to this enterprise fund, adopted by the 2005 Town Meeting, requires that a budget be enacted by Town Meeting. No tax funds are involved.*

**Finance Committee** recommends affirmative action for an appropriation of \$2,223,503, with \$2,188,060 funded from estimated revenues and \$35,443 from the available fund balance, and further that \$41,507 of the total appropriation be expensed and transferred to the General Fund as final repayment of the FY06 General Fund appropriation made for start-up costs.

**Board of Selectmen** recommends affirmative action, in concurrence with the Finance Committee



### 2008 ROAD PROGRAM

**ARTICLE 22.** To determine whether the Town will vote to appropriate the sum of \$700,000, or any other sum, for the reconstruction or renovation of roads and streets within the town and for traffic signals; and that to meet said appropriation, the Treasurer with the approval of the Board of Selectmen be authorized to borrow the sum of \$700,000, or any other sum, under the provisions of Chapter 44, Sections 7(5), 7(6), and/or 7(14) of the Massachusetts General Laws and Acts, and amendments thereof and additions thereto; said funds to be expended under the direction of the Town Manager; and further that the Town Manager be authorized to accept and expend state and/or county grants as may be available for the same purpose, and that the Treasurer, with the approval of the Board of Selectmen, be authorized to borrow up to the amount stipulated in such grant or grants under the provisions of Chapter 44, Section 6A, of the Massachusetts General Laws and Acts, and amendments thereof and additions thereto, in anticipation of reimbursement of this amount, or take any other action relative thereto.

*This Article authorizes the Treasurer to borrow \$700,000 for the repair, reconstruction or renovation of Concord's roads. Combined with expected state road aid and \$85,000 requested under Article 7, funds will be used to protect and replace Concord's 103 miles of public roads. This borrowing is part of the Town Manager's Capital Plan, with the debt service cost to be funded within the levy limit.*

**Finance Committee** recommends affirmative action in the sum of \$700,000 from borrowing  
**Board of Selectmen** recommends affirmative action in the sum of \$700,000 from borrowing

### SPACE NEEDS STUDY

**ARTICLE 23.** To determine whether the Town will vote to raise and appropriate, or transfer from available funds in the treasury, and/or authorize the Town Treasurer with the approval of the Board of Selectmen, to borrow money under the provisions of Chapter 44 of the Massachusetts General Laws and Acts and amendments thereof and additions thereto, the sum of \$100,000 or any other sum, to be expended under the direction of the Town Manager for the purpose of funding a Space Needs Study for town offices, including but not limited to the contracting of space planning services, architectural, engineering and building evaluation services and related activities, or take any action relative thereto.

*This article authorizes the Town Treasurer to borrow \$100,000 to be expended under the direction of the Town Manager to study Town facilities with respect to renovation, addition and/or new construction options to address office space needs, and then to prepare for design and implementation of such improvements. This borrowing is part of the Town Manager's Capital Plan, with the debt service cost to be funded within the levy limit.*

**No motion is expected**

### EMERSON PLAYGROUND IMPROVEMENTS

**ARTICLE 24.** To determine whether the Town will vote to raise and appropriate or transfer from available funds in the treasury, and/or authorize the Town Treasurer with the approval of the Board of Selectmen to borrow money under provisions of Chapter 44, Sections 7(9) and/or 7(25) of the Massachusetts General Laws and Acts and amendment thereof and addition thereto, the sum of \$150,000, or any other sum, for the purpose of replacement, renovation, and any other related work, to the Emerson Playground, said funds to be expended under the direction of the Town Manager, or take any other action relative thereto.

*This article authorizes the Town Treasurer to borrow \$150,000 for the improvement of play structures at Emerson Playground. This borrowing is part of the Town Manager's Capital Plan, with the debt service cost to be funded within the levy limit.*

**Finance Committee** recommends affirmative action in the sum of \$150,000 from borrowing  
**Board of Selectmen** recommends affirmative action in the sum of \$150,000 from borrowing

## CONCORD PUBLIC SCHOOLS RENOVATIONS

**ARTICLE 25.** To determine whether the Town will vote to raise and appropriate or transfer available funds in the treasury, and/or authorize the Town Treasurer with the approval of the Board of Selectmen to borrow money under provisions of Chapter 44, Section 7 (3A) and/or 7 (9) of the Massachusetts General Laws and Acts and amendments thereof and additions thereto, the sum of \$800,000, or any other sum, for the purpose of remodeling, reconstructing or making extraordinary repairs to various Concord Public School facilities, including equipment and any work related thereto, or take any other action relative thereto.

*This article authorizes the Treasurer to borrow \$800,000 for renovations, repairs, computer software, and related work at various Concord Public School facilities. This borrowing is part of the Town Manager's Capital Plan, with the debt service cost to be funded within the levy Limit.*

**Finance Committee** recommends affirmative action in the sum of \$800,000 from borrowing  
**Board of Selectmen** recommends affirmative action in the sum of \$800,000 from borrowing

## FY08 SUPPLEMENTAL APPROPRIATION

**ARTICLE 26.** To determine whether the Town will vote to transfer and appropriate, from available funds in the treasury, the sum of \$215,970 or any other sum, as its apportioned share of a \$300,000 supplemental assessment for FY2008 voted by the Concord-Carlisle Regional School District for the purpose of meeting extraordinary or unforeseen costs for the Fiscal Year ending June 30, 2008, or take any other action relative thereto.

*The Concord-Carlisle Regional School District has encountered extraordinary and unforeseen costs of out-of-district special education placements during this school year. Efforts have been made to meet these expenses within the District's existing budget. An appropriation request may be necessary, however.*

**Finance Committee** recommendation will be made at Town Meeting  
**Board of Selectmen** recommendation will be made at Town Meeting

## BRUCE FREEMAN RAIL TRAIL

**ARTICLE 27.** To determine whether the Town will vote to authorize the Selectmen to submit the schematic design (so called "25% design") of the Bruce Freeman Rail Trail to the Massachusetts Highway Department for approval, after which, only Significant Changes will require further approval of Town Meeting. Significant Changes are defined as:

- Change in the route
- Additional parking, rest stops or restroom locations
- Increase in trail width
- Change to the proposed surface of the trail

The Selectmen will determine if a revision to the schematic design is a Significant Change.

or take any other action relative thereto.

*Article 27 asks the town to submit the schematic plan of the Bruce Freeman Rail Trail, as proposed by the Bruce Freeman Rail Trail Committee, to the Mass. Highway Department for review and comment.*

**Finance Committee** recommendation will be made at Town Meeting  
**Board of Selectmen** recommends affirmative action

### **BETTER BRUCE FREEMAN RAIL TRAIL IN CONCORD – By Petition**

**ARTICLE 28.** To determine whether the Town will vote to:

- (1) authorize the Selectmen to submit a 25% design for the Bruce Freeman Rail Trail (BFRT) that is based on the design commissioned by the Concord Greenways Alliance (CGA) to State agencies for approval;
- (2) accept a sum up to \$10,000, or any other sum, from CGA to be expended under the direction of the Town Manager to cover costs of the changes needed in the 25% design created by Vanasse Hangen Brustlin, inc. in order to create a 25% design consistent with CGA's design;
- (3) raise and appropriate, or transfer from available funds in the treasury, a sum up to \$10,000, or any other sum, to be expended under the direction of the Town Manager to cover costs of the changes needed in the 25% design created by Vanasse Hangen Brustlin, inc. in order to create a 25% design consistent with CGA's design that are in excess of the funds provided by CGA; and
- (4) require that any Significant Changes (but only Significant Changes) from CGA's design require further approval of Town Meeting before a revised design for the BFRT incorporating them can be submitted to any State agency or used as the basis for building the BFRT in Concord: Significant Changes being defined as:
  - Change in the trail route or access points
  - Additional parking or restroom locations
  - Increase in trail width
  - Change to the proposed surface of the trail
  - Additional bridge or under pass construction
  - Increase in the width within which construction is allowed,
 or taking any other action relevant thereto.

***By the petitioner:***

*This article authorizes the selectmen to submit a 25% design for the Bruce Freeman Rail Trail that is based on the design commissioned by the Concord Greenways Alliance. This design is for a safe and effective rural trail in a park-like setting that is handicapped accessible and good for bicycling while preserving the beauty and environmental value of the abandoned railroad to the greatest extent possible. Donated funds are provided for updating the existing 25% design documents. It is required that major changes cannot be made in the 25% design town meeting votes for without coming back to town meeting for approval of the changes.*

**Finance Committee** recommendation will be made at Town Meeting  
**Board of Selectmen** recommends no action

### **ACCESS FOR ALL FOR THE BRUCE FREEMAN RAIL TRAIL – By Petition**

**ARTICLE 29.** To determine whether the Town will vote to authorize the Board of Selectmen to submit to the Massachusetts Highway Department, a schematic design (so-called "25% design") which specifies a hard center trail surface, and wherever possible, soft-surface shoulders, for the entire length of the Bruce Freeman Rail Trail in Concord from Route 2 to the Sudbury town line, and that provides access to all Concord citizens and fully and easily supports all of the following uses: walking, running, road and mountain biking, wheelchairs and accessible cycling equipment, in-line skating, scooters and tricycles, rolling backpacks, strollers, and cross-country skiing; or take any other action relative thereto.

***By the petitioner:***

*This article seeks to amend the trail surface specification contained in either the Town's 25% Design (Article 27) or the Concord Greenways Alliance design (Article 28), (whichever is selected at Town Meeting), with a paved center trail surface with soft shoulders for the entire length of the trail in Concord, in order to provide full access to all Concord citizens.*

**Finance Committee** recommendation will be made at Town Meeting  
**Board of Selectmen** recommends no action

## FUNDING FOR CONTINUING WORK ON THE BRUCE FREEMAN RAIL TRAIL – By Petition

**ARTICLE 30.** To determine whether the Town will vote to raise and appropriate, or transfer from available funds in the Treasury the sum of \$50,000, or any other sum, to be expended under the direction of the Town Manager, for further study and design of the Bruce Freeman Rail Trail in Concord, including but not limited to: refinement of the design of the MBTA crossing, street crossings and access ramps, including engineering, survey, and any other related work; or take any other action relative thereto.

***By the petitioner:***

*Article 30 will provide funds to assist the rail trail committee during the next year for a survey of the railroad spur in West Concord, for the NRC rare plant and wildlife survey, for consultant help with the negotiation of the 25% design with Mass Highway and for further updates to the 25% design if Town Meeting or Mass Highway requires amendments to the 25% design submitted to the Selectmen. Funds requested will come from free cash.*

**Finance Committee** recommends affirmative action in the sum of \$50,000 from Free Cash  
**Board of Selectmen** recommends affirmative action in the sum of \$50,000 from Free Cash

## COMMUNITY PRESERVATION COMMITTEE APPROPRIATION RECOMMENDATIONS

**ARTICLE 31.** To determine whether the Town will vote to appropriate the sum of \$1,632,500 from the Concord Community Preservation Fund, of which \$30,000 shall be appropriated from the undesignated fund balance as of June 30, 2008, \$242,500 from funds previously allocated to Open Space and Housing Reserve funds and \$1,360,000 from projected Fiscal Year 2009 Fund Revenues, in accordance with Massachusetts General Laws, Chapter 44B, and amendments thereof and additions thereto, to be expended under the direction of the Town Manager as follows:

Item	Project/Description	Amount	Category	Source of Funds		
				Prior Year Fund Balance	Prior Year Reserve Funds	FY09 CPA Fund Revenues
A	Concord Free Public Library Thoreau Book Collection	\$22,500	Historic Preservation			\$22,500
B	Town of Concord-Natural Resources Div. Conservation Restriction Data Assessment	30,000	Open Space			30,000
C	Concord Housing Development Corp. Create, Support and Preserve Community Housing	175,000	Housing		6,728.50 (Housing Reserve)	168,271.50
D	Town of Concord-Natural Resources Div. Concord Land Conservation Trust Hubbard Farm Field Acquisition	750,000	Open Space		235,771.50	514,228.50
E	Concord Museum Collection Preservation/Climate Control	200,000	Historic Preservation			200,000
F	Town of Concord – Public Works Nashawtuc Bridge Restoration	250,000	Historic Preservation			250,000
G	Orchard House Restoration	175,000	Historic Preservation			175,000
H	Town of Concord Administrative Expenses	30,000	Administrative	30,000		0
<b>Totals</b>		<b>\$1,632,500</b>		<b>\$30,000</b>	<b>\$242,500</b>	<b>\$1,360,000</b>

or take any other action relative thereto.

*This article authorizes the appropriation of funds from the Community Preservation Fund for the completion of specific projects as listed in the above chart and allowed under the Community Preservation Act. These projects will expend a total of \$175,000 for Community Housing, \$647,500.00 for Historic Preservation, \$750,000 for Open Space, and \$30,000 for Administration and are moved forward at the recommendation of the Community Preservation Committee.*

**Finance Committee recommends affirmative action**

**Board of Selectmen recommends affirmative action**

#### **COMMUNITY PRESERVATION COMMITTEE – 335 WALDEN STREET ACQUISITION**

**ARTICLE 32.** To determine whether the Town will vote to appropriate the sum of \$450,000.00 from the Community Preservation Fund, of which \$450,000.00 shall be appropriated from the undesignated Fund balance as of June 30, 2008, in accordance with Massachusetts General Laws, Chapter 44B, and amendments thereof and additions thereto, to be expended under the direction of the Town Manager for the purpose of purchasing the property at 335 Walden Street, \$225,000 of such funds to be used to purchase the major portion of the property for Open Space; and, \$225,000 of such funds to be used to purchase the remainder of the property for Community Housing; or take any other action relative thereto.

*This article authorizes the appropriation of funds from the Community Preservation Fund for the acquisition of the rear portion of 335 Walden Street which is adjacent to existing Town-owned Conservation Land. The land will be Town-owned and subject to a permanent Conservation Restriction conveyed by the Board of Selectmen while the portion of the site adjacent to Walden Street will be developed as community housing. This warrant article has been submitted on the recommendation of the Community Preservation Committee.*

**Finance Committee recommends affirmative action**

**Board of Selectmen recommends affirmative action**

#### **COMMUNITY PRESERVATION COMMITTEE – 335 WALDEN STREET CONSTRUCTION**

**ARTICLE 33.** To determine whether the Town will vote to appropriate the sum of \$160,000.00 from the Community Preservation Fund, of which \$94,414.00 shall be appropriated from the undesignated Fund balance as of June 30, 2008 and \$65,586.00 shall be appropriated from the projected Fiscal Year 2009 Fund Revenues, in accordance with Massachusetts General Laws, Chapter 44B, and amendments thereof and additions thereto, to be expended under the direction of the Town Manager for the purpose of construction of up to five units of community housing on a portion of the property at 335 Walden Street, including the costs of design, engineering, permitting and other costs related thereto, or take any other action relative thereto.

*This article authorizes the appropriation of funds from the Community Preservation Fund for the construction of up to five units of community housing at 335 Walden Street, a 3.67 acre parcel a portion of which is also recommended for open space acquisition under Article 32. This housing will be made available for ownership to households which are at or below 80% of the Area Median Income (AMI) and include a permanent affordable housing restriction. This warrant article has been submitted on the recommendation of the Community Preservation Committee.*

**Finance Committee recommends affirmative action**

**Board of Selectmen recommends affirmative action**

## HUGH CARGILL FARM MANAGEMENT PLAN

**ARTICLE 34.** To determine whether the Town will accept the Hugh Cargill Farm Management Plan as proposed by the Hugh Cargill Farm Management Plan Task Force and request the Board of Selectmen to implement its provisions, or take any other action relative thereto.

*This article arose from an article that was not moved at the 2007 Annual Town Meeting regarding the need for an overall management plan for the former Hugh Cargill Farm.*

**Board of Selectmen recommends affirmative action**

## DECISION PROCESS FOR ACQUISITION OF CONSERVATION LAND – By Petition

**ARTICLE 35.** To determine whether the Town will vote to establish a decision process for the acquisition of conservation land in Concord, so: that in future purchases of parcels for conservation in Concord, the needs of land for affordable housing and other municipal uses will be seriously and fairly considered as part of the land use; that in situations where possible Town participation in the purchase is contemplated, the probable uses of the land will be determined before negotiations and fundraising for the land are initiated; that in these situations, the Town Manager and the Board of Selectmen will be responsible for assuring that a housing advocacy group is present from the start in determining probable uses and for assuring that the general purpose of this decision process is carried out; and that the general purpose of this decision process is to acquire future parcels in Concord for mixed uses (including not only conservation of open space and farmland, but affordable housing, active recreation and historical preservation), thus reflecting the stated goals of the recent long-range plans of the Town; or take any other action relative thereto.

*By the petitioner:*

*This article would establish a process whereby, when land acquisitions involve Town funds, affordable housing is considered as one possible use of the land before any final commitments are made. The Town Manager and the Board of Selectmen would be responsible for ensuring that a housing representative is present from the start of discussions with the Town to determine probable land uses.*

**Board of Selectmen recommends affirmative action**

## RELEASE OF RESIDENTIAL RESTRICTION APPLICABLE TO LOT 6E FOREST RIDGE ROAD – By Petition

**ARTICLE 36.** To determine whether the Town will vote to authorize the Board of Selectmen to enter into an agreement to release Lot 6E Forest Ridge Road containing 15.08+ acres as shown on a plan of land entitled "Plan of Land in Concord, Massachusetts, owned by Todd A Pulis, Trustee of Thoreau Realty Trust", dated September 14, 2007 prepared by Perley Engineering LLC and recorded with the Middlesex South District Registry of Deeds as Plan Number 1117 of 2007, from a certain Easement and Restrictive Covenant Agreement dated September 19, 1990 and recorded with said Deeds in Book 20781, Page 75 and to agree that said Lot 6E may be used for residential purposes as a primary use, or take any other action relative thereto.

*By the petitioner:*

*This article request that the Town vote to authorize the Board of Selectmen to release Lot 6E from a residential restriction in order to allow Lot 6E to be used for residential purposes. This article is similar to Article 42 of the 2001 ATM which authorized the release of Lot 2 Forest Ridge Road upon which the Riverbend Residential Condominiums were subsequently built.*

**Board of Selectmen recommends no action**

## COMPREHENSIVE LONG RANGE PLAN UPDATE – By Petition

**ARTICLE 37.** To determine whether the Town will vote to direct the Board of Selectmen to update the most recent Town of Concord Comprehensive Long Range Plan, including but not limited to the chapters on Housing, Transportation and Circulation, and other chapters as needed, by December 31, 2008, or take any other action relative thereto.

***By the petitioner:***

*The preface of The Comprehensive Long Range Plan which was completed in March, 2005, states: "Long-range planning is an ongoing process, and your comments and input are welcomed both now to members of the CLRP Committee, and in the coming years during the implementation phase to the relevant boards and committees involved."*

*Due to a series of significant, some critical, changes that have occurred since 2005 and are continuing now within the landscape of the West Concord area, the intent of this article is to encourage the Board of Selectmen to agree that long-range planning needs to be an ongoing process by appointing a task force, including a Planning Consultant, to study and consider alternative solutions for the issues covered in Chapter 3 – Housing and Chapter 10 – Transportation and Circulation.*

**Board of Selectmen recommends no action**

### **ZONING BYLAW AMENDMENT CUSTOMARY AND SPECIAL HOME OCCUPATIONS IN ALL DWELLINGS**

**ARTICLE 38.** To determine whether the Town will vote to amend Zoning Bylaw Section 5.3.6.1 *Customary Home Occupation* and 5.3.6.2 *Special Home Occupation* by deleting the opening sentence in each section, which limits home occupations to dwellings in the Residential, Business and Medical-Professional districts, and replacing them with the following:

*"5.3.6.1 Customary Home Occupation:* In all dwellings, a Customary Home Occupation shall be permitted in a dwelling or in an accessory building provided that;"

and

*"5.3.6.2 Special Home Occupation:* In all dwellings, the Board may by special permit authorize a Special Home Occupation including the sale of antiques in a dwelling or in an accessory building provided that;"

or take any other action relative thereto.

*The Zoning Bylaw currently limits home occupations to dwellings in the Residential, Business and Medical-Professional districts. There have been a number of developments over the past 10-15 years constructed in Industrial, Industrial Park and Limited Industrial Park zoned areas of Town (allowed by either special permit or by comprehensive permit) where the residents who want to establish a home office or business are prevented from doing this legally because of the current bylaw. This amendment to the Zoning Bylaw will give all Concord residents the ability to establish a customary home occupation (one that has little or no impact on the neighborhood) or to seek a special permit from the Board of Appeals to establish a special home occupation. Two-thirds vote of Town Meeting is required.*

**Board of Selectmen recommends affirmative action**

**ZONING BYLAW AMENDMENT**  
**PARKING REQUIREMENT FOR AUTOMATED TELLER MACHINES**

**ARTICLE 39.** To determine whether the Town will vote to amend Zoning Bylaw Section 7.7.2.1, Table IV, Minimum Parking, by adding a phrase at the end of the paragraph under "Business Uses: Financial and business office: bank, loan agency, travel & real estate agency or other consumer services offices" to require the provision of two additional parking spaces for each Automated Teller Machine (ATM) that is present so that the subparagraph reads as follows: "One (1) space per two hundred fifty square feet of gross floor area, plus two spaces per Automated Teller Machine (ATM)."

or take any other action relative thereto.

*The Zoning Bylaw does not currently have a parking requirement for automated teller machines (ATM). The proposed amendment establishes a requirement to provide two parking spaces for each ATM in a financial or business office, which includes banks, loan agencies, travel and real estate offices or other consumer services office, only. This proposed amendment is an outgrowth of the 2007 Citibank proposal, when the community focused on the impact of a change of use from a retail establishment to a bank. During the March public hearing, there was a question asked about extending the parking requirement to ATMs located in grocery stores, hospitals or other locations; this may be a consideration for a future Town Meeting. Two-thirds vote of Town Meeting is required*

**Board of Selectmen recommends affirmative action**

**ZONING BYLAW AMENDMENT**  
**NONCONFORMING USES AND STRUCTURES**

**ARTICLE 40.** To determine whether the Town will vote to amend Zoning Bylaw Section 7.1 **Nonconforming Uses** by deleting the section in its entirety and inserting the following new Section 7.1 **Nonconforming Uses and Structures**:

**7.1.1 Applicability.** This zoning bylaw shall not apply to structures or uses lawfully in existence or lawfully begun, or to a building or special permit issued before the first publication of notice of the public hearing required by G.L. c. 40A, s. 5 at which this zoning bylaw, or any relevant part thereof or amendment thereto, was adopted. Such prior, lawfully existing nonconforming uses and structures may continue, provided that no change or substantial extension of such use or any reconstruction, extension or structural change of such structure or any alteration of a structure for its use for a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent is undertaken, unless authorized hereunder

**7.1.2 Nonconforming uses.** The Board may grant a special permit to change a nonconforming use in accordance with this section only if it determines that such change or substantial extension shall not be substantially more detrimental than the existing nonconforming use to the neighborhood. [delete - The Board may consider a change or substantial extension of the nonconforming use].

**7.1.3 Nonconforming structures.** The Board may grant a special permit to reconstruct, extend, alter, or change a nonconforming structure in accordance with this section only if it determines that such reconstruction, extension, alteration, or change shall not be substantially more detrimental than the existing nonconforming structure to the neighborhood. The following types of changes to nonconforming structures may be considered by the Board:

- (a) Reconstructed, extended or structurally changed;
- (b) Altered to provide for a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent.

**7.1.4 Variance required.** Except as provided in subsection 7.1.5, below, the reconstruction, extension or structural change of a nonconforming structure in such a manner as to increase an existing nonconformity, or create a new nonconformity, shall require the issuance of a variance. The extension of an exterior wall at or along the same nonconforming distance within a required yard shall require a special permit from the Board.



**7.1.5 Nonconforming single and two family residential structures.** Nonconforming single and two family residential structures may be reconstructed, extended, altered, or structurally changed upon a determination by the Building Inspector that such proposed reconstruction, extension, alteration, or structural change does not increase the nonconforming nature of said structure. Where the proposed extension does not increase the square feet contained within the existing structure by more than fifty percent (50%), the following circumstances shall not be deemed to increase the nonconforming nature of said structure:

- (a) alteration to a structure located on a lot with insufficient area which alteration complies with all current setback, yard, building coverage, and building height requirements.
- (b) alteration to a structure located on a lot with insufficient frontage which alteration complies with all current setback, yard, building coverage, and building height requirements.
- (c) alteration to a structure which encroaches upon one or more required yard or setback areas, where the alteration will comply with all current setback, yard, building coverage and building height requirements.

In all other cases, the Board may, by special permit, allow such reconstruction, extension, alteration, or change where it determines that the proposed modification will not be substantially more detrimental than the existing nonconforming structure to the neighborhood.

**7.1.6 Abandonment or non-use.** A nonconforming use or structure which has been abandoned, or not used for a period of two years, shall lose its protected status and be subject to all of the provisions of this zoning bylaw.

**7.1.7 Reconstruction after catastrophe or demolition.** A nonconforming structure may be reconstructed after a catastrophe or after demolition in accordance with the following provisions:

- (a) Reconstruction of said premises shall commence within two years after such catastrophe or demolition.
- (b) Building(s) as reconstructed shall be located on the same footprint as the original nonconforming structure, shall be only as great in volume and area as the original nonconforming structure.
- (c) In the event that the proposed reconstruction would (i) cause the structure to exceed the volume or area of the original nonconforming structure or (ii) exceed applicable requirements for yards, setback, and/or height or (iii) cause the structure to be located other than on the original footprint, a special permit shall be required from the Board prior to such demolition.

**7.1.8 Reversion to nonconformity.** No nonconforming use shall, if changed to a conforming use, revert to a nonconforming use.

or take any other action relative thereto.

*The State's Zoning Act (MGL Ch. 40A) Section 6 addresses pre-existing non-conforming uses, structures and lots and was signed into law in 1975. There have been several significant zoning cases over the years to further clarify the meaning of this law. The section of the Concord Zoning Bylaw that addresses nonconforming uses (Section 7.1) has not been significantly revised since 1977 and recent applications before the Board of Appeals (Citibank, Dee Bus, Thoreau Court) have highlighted the differences and gaps between the State statute and the local bylaw. The proposed amendment more closely follows the language of the State law (separating uses from structures) and reflects both the case law and local options that have been implemented by the Concord Board of Appeals over the years. Two-thirds vote of Town Meeting is required.*

**Board of Selectmen recommends affirmative action**

**ZONING BYLAW AMENDMENT**  
**HEIGHT REQUIREMENTS FOR WIND TURBINE FACILITIES**

**ARTICLE 41.** To determine whether the Town will vote to amend Zoning Bylaw Section 6.2.11 Height, by deleting the last sentence of the first paragraph and adding the following sentence:

"Chimneys, spires, towers, and other projections not used for human occupancy or storage may extend above the height limits herein fixed except wind turbine facilities, which can only exceed the maximum height requirement by special permit granted by the Board."

or take any other action relative thereto.

*Under the Height requirements found under Section 6.2.11, the Zoning Bylaw states that "Chimneys, spires, towers, and other projections not used for human occupancy or storage may extend above the height limits herein fixed." Being aware of the high cost associated with heating homes and the growing desire among residents to use more sustainable energy sources, the Building Commissioner noted that under the current zoning bylaw, a wind turbine facility would be allowed by right throughout the Town. Given the densely developed neighborhoods near the town centers, the extensive number of historic structures, the importance of the community landscapes and vistas, and reports of noise associated with a wind turbine facility, the Planning Board believed it was important to add a special permit requirement for wind turbine facilities because of the potential impacts to the town and its residents. Two-thirds vote of Town Meeting is required.*

**Board of Selectmen recommends affirmative action**

**ZONING BYLAW AMENDMENT**  
**REDUCE THE AFFORDABLE HOUSING REQUIREMENT FOR COMBINED BUSINESS/RESIDENCE USE**

**ARTICLE 42.** To determine whether the Town will vote to amend Zoning Bylaw subsection 4.2.3.2 by changing the percent of dwelling units required to be affordable from twenty percent to ten percent so that the subsection reads as follows:

"At least ten percent of the dwelling units (and no less than one unit) are available as affordable housing;"

or take any other action relative thereto.

*This proposed bylaw amendment is intended to reduce the affordable housing requirement of the combined business and residential use (Section 4.2.3 - mixed use allowed by right) of twenty percent down to ten percent in the Business district.*

*The Planning Board believes that the twenty percent requirement is a dis-incentive for developers to seriously consider the option of mixed use development as significant parcels in the business areas change ownership and use. The Concord Crossing development built near the Thoreau Street Depot illustrates a good mixed use development (affordable housing was a negotiated component of that development; it was not mandated). A ten percent affordable housing requirement, as opposed to a twenty percent requirement, allows the community to keep pace with its affordable housing goals while promoting a type of development that can be called "smart growth" – capitalizing on proximity to goods and services, sharing parking, creating housing that is close to mass transit, among other benefits.*

*The three significant areas in Town that are zoned for business include Concord Center, the Thoreau St./Depot area and West Concord. Two smaller business zoned areas are located near Damon Mill and at Nine Acre Corner. Two-thirds vote of Town Meeting is required.*

**Board of Selectmen recommends no action**

**ZONING BYLAW AMENDMENT**  
**REDUCE THE AFFORDABLE HOUSING REQUIREMENT FOR COMBINED**  
**INDUSTRIAL/BUSINESS/RESIDENCE USE**

**ARTICLE 43.** To determine whether the Town will vote to amend Zoning Bylaw subsection 4.2.4.2 by changing the percent of dwelling units required to be affordable from twenty percent to ten percent so that the subsection reads as follows:

"At least ten percent of the dwelling units (and no less than one unit) are available as affordable housing;"  
 or take any other action relative thereto.

*This proposed bylaw amendment is intended to reduce the affordable housing requirement of the combined industrial, business and residential use (Section 4.2.4 - mixed use allowed by special permit) of twenty percent down to ten percent in the Industrial district.*

*The Planning Board believes that the twenty percent requirement is a dis-incentive for developers to seriously consider the option of mixed use development as significant parcels in the business areas change ownership and use. The Spillway Building development built across the Assabet River from the Damon Mill illustrates a mixed use development in an Industrial district (there is no affordable housing component in this development). A ten percent affordable housing requirement, as opposed to a twenty percent requirement, allows the community to keep pace with its affordable housing goals while promoting a type of development that can be called "smart growth" – capitalizing on proximity to goods and services, sharing parking, among other benefits.*

*There are four areas in West Concord that are zoned for industrial use: Beharrel & Winthrop Streets; Bradford St.; Domino Drive/Conant St. and Pond Lane/Water Street near the Damon Mill. Two-thirds vote of Town Meeting is required.*

**Board of Selectmen recommends no action**

**EXTENSION OF MAIN STREET HISTORIC DISTRICT**

**ARTICLE 44.** To determine whether the Town will vote to extend the Main Street Historic District westward to include the property located at 631 Main Street, shown on Assessor's Map F09, Parcel 3973, Deed Book and Page references 21050 and 0156, or to take any other action thereto.

*This article asks the Town to include 631 Main Street in the existing Main Street Historic District. The Historical Commission has brought this article to Town Meeting at the request of the owners and based on our research and belief that this house warrants inclusion in the district. It meets precisely the description in the Historic District Commission's Guidelines for the Main Street District in that it is an early home "associated with Concord settlers once searched by British troops."*

**Board of Selectmen recommends affirmative action**

## DEMOLITION DELAY BYLAW AMENDMENT

**ARTICLE 45.** To determine whether the Town will vote to amend the Demolition Delay Bylaw, "Demolition Review: Buildings and other structures deemed Historically valuable, but not protected by Local Historic District designation" section by adding the following:

Property		Priority	NR	SR	LD	SO	TO	Structure
138 Baker Ave	Hosmer Homestead	3	X	X				House
612 Barrett's Mill Rd	James Barrett House	2						House
44 Bedford St	Mary Rice/Staples House	3						House
52 Bedford St	Silas Hosmer House	3						House
118 Bedford St	Timothy Minot House	3						House
50-52 Belknap St	Josiah Davis Store	3						House
455 Cambridge Trpk	Eliphalet, Nathaniel & John Fox House	3						House
81 Estabrook Rd	Brown/Dakin House	3						House
350 Fitchburg Trpk	Francis & Noah Wheeler House	3						House
702 Lowell Rd	Charles Flint House	3						House
761 Lowell Rd	Brown House	3						House
1199 Monument St	David Buttrick/ Wm Holden House	3						House AND Barn
1234 Monument St	Schoolhouse #7	3						House
415 Plainfield St	Joel & Alvah Wheeler House	3						House
498 Strawberry Hill	Joseph Smith House	3						House
120 Sudbury Rd	Henry & Caleb Wheeler House	3						House
888 Sudbury Rd	Heath Farm	3						House
1571 Sudbury Rd	Windmill	3						Windmill
19 Thoreau Ct	Burke-Brennan House	3						House
170 Walden St	Asa Heywood House	3						House
631 Main St	Amos Wood House	3						House
1024 Main St	Hosmer/Sheehan House	3						House
1641-1645 Main St	Calvin C. & Edward Damon House	3						House
1646 Main St	Capt John Brown House	3						House
1657 Main St	Damon Barn	4						House
12 Pond Lane	Damon Mill Warehouse	3						House

*This article asks the Town to expand the existing Demolition Delay Bylaw by including the following properties to the list. It is our belief that protecting these properties, which fall outside our local historic districts, will enhance the public awareness of and appreciation for our diverse historical resources. It's important to note that this article is being brought to Town Meeting with the agreement of each property owner.*

**Board of Selectmen recommends affirmative action**

## ADOPTION OF QUORUM RULE

**ARTICLE 46.** To determine whether the Town will vote to accept, for all boards, committees or commissions holding adjudicatory hearings in the Town, the provisions of Massachusetts General Laws Chapter 39, Section 23D, which provides that a member of a board, committee, or commission holding an adjudicatory hearing shall not be disqualified from voting in the matter solely due to the member's absence from one session of such hearing, providing that certain conditions are met, or to take any other action relative thereto.

*This Article proposes that the Town accept an existing provision of state law. This law was enacted as an "acceptance statute", which means that it is in effect only in those cities and towns that choose to adopt it by Town Meeting vote.*

**Board of Selectmen recommends affirmative action**

## PROPOSED LEGISLATION—INFORMATION TO VOTERS ON BALLOT QUESTIONS

**ARTICLE 47.** To determine whether the Town will vote to petition the General Court to adopt the following legislation that was previously approved under Article 63 of the 2002 Annual Town Meeting:

### **An Act Authorizing the Town of Concord to Send Certain Information to Registered Voters in the Town of Concord**

**Section 1.** Notwithstanding the provisions of any general or special law to the contrary, the board of selectmen of the town of Concord may, at least seven days before any election at which a binding or non-binding question shall be submitted solely to the voters of said town, cause to be printed and sent to each residence of one or more voters whose name appears on the latest active voting list for said town and make available at each polling place (a) the full text of such question; (b) a fair and concise summary of such question, including a one-sentence statement describing the effect of a yes or no vote, prepared by the Town Counsel; and (c) arguments for and against such question as provided in section 2.

**Section 2.** No argument shall contain more than two hundred and fifty words. Said board of selectmen shall seek written arguments from the principal proponents and opponents of each such question. Said board of selectmen shall designate a date by which written arguments must be received, in a written notice to the principal proponents and opponents. Said notice must be issued at least fourteen days before the date by which the written arguments must be received.

**Section 3.** For the purposes of this act, the principal proponents and opponents of any such question shall be those persons determined by said board of selectmen to be best able to present the arguments for and against such question. The principal proponents or opponents of such a question may include a town or district officer or committee, such as a finance committee or school committee, and the principal proponents may include the first ten signers or a majority of the first ten signers of any petition initiating the placement of such question on the ballot. In determining the principal proponents and opponents of such a question, said board of selectmen shall contact each ballot question committee, if any, as defined in section 1 of chapter fifty-five of the General Laws, organized specifically to influence the outcome of the vote on such question. If no argument is received by said board of selectmen within the time allowed by this act, the Town Counsel shall prepare such argument.

**Section 4.** All arguments filed with said board of selectmen pursuant to this act, and the summary prepared pursuant to section 1 shall be open to public inspection at the office of the town clerk, and if the vote affects a district, the arguments and summary shall be open to public inspection at the office of the clerk of each city or town within the jurisdiction of the district.

**Section 5.** This act shall apply where the question presented involves the regional district of which the Town of Concord is a member or involves a joint undertaking by said Town of Concord and any one or more cities or towns.

**Section 6.** This act shall take effect upon its passage.

or take any other action relative thereto.

*This is a Home Rule petition that would be submitted to the state legislature for approval. It would permit the preparation and mailing of information to voters concerning any ballot question, such as a debt exclusion or override vote. It provides for an explanation of the question and for the inclusion of "pro" and "con" arguments. Several cities and towns have obtained special legislation for this purpose. Without special legislation, the Town does not have the authority to send such information to voters.*

**Finance Committee** recommends affirmative action

**Board of Selectmen** recommends affirmative action

#### DEBT RESCISSION

**ARTICLE 48.** To determine whether the Town will vote to rescind the following unused borrowing authorizations, as follows:

Article 28 of 2005 Emerson Tennis Courts (original authorization \$300,000)	\$40,000
Article 29 of 2005 Hunt Gym Improvements (original authorization \$100,000)	\$20,000

*This Article will remove from the Town's accounting records certain authorized debt that was not required to accomplish the purpose of the project and that thus was not issued as bonds or notes. This is routine proper fiscal practice.*

**Finance Committee** recommends affirmative action

**Board of Selectmen** recommends affirmative action

# notes



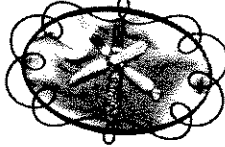


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 **TOWN MEETING**  
MONDAY, APRIL 28, 2008

CONCORD-CARLISLE REGIONAL HIGH SCHOOL		
DATE: 4/28/08	TIME: 7 PM	TABLE NO. 2

ADJOURNED SESSIONS AS NEEDED

TUESDAY	APRIL 29
WEDNESDAY	APRIL 30
MONDAY	MAY 5
TUESDAY	MAY 6

ALL TAXES INCLUDED IN THE PRICE

*Thank you! Come again!*